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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,301	03/31/2004	Pierre Guillaume Raverdy	80398P586	7293
8791 7590 10/01/2009 BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040				
EXAMINER				
SHAW, PELING ANDY				
ART UNIT		PAPER NUMBER		
2444				
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10/01/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/815,301

Applicant(s)

RAVERDY ET AL.

Examiner

PELING A. SHAW

Art Unit

2444

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(c), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(c) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/21/2009 has been entered. Specification changes to paragraphs 19 and 31 are reviewed and accepted. Claims 26-27 are amended. Claims 1-30 are currently pending.
2. Amendment received on 12/23/2008 was entered into record. Claims 1, 4-6, 14, 18-19, 27 and 29 were amended.

Priority

3. This application has no priority claim made. The filing date is 03/31/2004.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 27-30 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

- a. Applicant has amended claim 27 with the limitations of “creator to create a WKG” and “creator to create a SBG” and referred to paragraph 31 of applicant’s specification for support. Examiner has read the paragraph and found that the creator as per paragraph 31 of applicant’s specification is of

software nature, e.g. “some module on the device may dynamically create a WEP key”. That is not a process, machine, manufacture or composition of matter as per 35 U.S.C. 101. Applicant has further referred to paragraphs 19-20 for support, i.e. “a WKG may be created and/or joined by any device ...” A claim language may be read in light of applicant’s specification. However, the claim language must be specific about the reference, i.e. the creator should be specifically referred to as a device, e.g. a computing device is used to create a WKG. Otherwise, the creator would be read as a person or a company as per paragraph 31 of applicant’s specification. Claim 27 and its dependent claims are thus rejected. For the purpose of applying art, claims 27-30 are considered within the same scope as claims 1 and 4-6.

Appropriate corrections are required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6, 14-19 and 27-30 rejected under 35 U.S.C. 102(e) as being anticipated by Vasisht (US 20040133689 A1), hereinafter referred as Vasisht.

- a. Regarding claim 1, Vasisht disclosed a method comprising: creating a session-based ad-hoc group (SBG) within a well-known ad-hoc group (WKG) for impromptu interactions among unrelated mobile users, the SBG being one of an open SBG and a restricted SBG (paragraph 18: Zero Configuration Utility for WiFi gives users a list of available of WiFi networks; paragraphs 9 and 13-14: WiFi with or without WEP), the WKG having a WKG network configuration and a set of WKG interaction protocols, the SBG having SBG network configuration and a set of SBG interaction protocols (paragraph 18: Zero Configuration Utility for WiFi, broadcast SSID for user to log on, should the network require authentication or an encryption key; paragraph 14: WEP; paragraph 13: 802.11 protocol suite); and advertising information pertaining to the SBG on the WKG, the information including an access method for joining the restricted SBG (paragraph 18: give a user a list of available WiFi

networks, broadcast SSID for user to log on, should the network require authentication or an encryption key; paragraph 14: WEP; paragraph 13: 802.11 protocol suite).

- b. Regarding claim 2, Vasisht disclosed the method of claim 1 wherein creating the SBG comprises obtaining the WKG network configuration and the set of WKG interaction protocols (paragraph 35: receiving settings for certain parameters that enable the device to operate; paragraph 112: download network setting to devices enabling configuration).
- c. Regarding claim 3, Vasisht disclosed the method of claim 2 wherein obtaining the WKG network configuration and the set of WKG interaction protocols comprises obtaining one of a pre-configuration on a retail device, a downloadable client software, and a public advertisement (paragraph 9: default settings; paragraph 18: broadcast SSID for user to log on).
- d. Regarding claim 4, Vasisht disclosed the method of claim 1 wherein the WKG creates one of an open WKG and a restricted WKG, the open WKG having no access control, the restricted WKG having an access control to selected users (paragraph 9: WiFi without WEP; paragraph 18: give a user a list of available WiFi networks, broadcast SSID for user to log on).
- e. Regarding claim 5, Vasisht disclosed the method of claim 1 wherein creating the SBG comprises: creating one of the open SBG and the restricted SBG, the open SBG having no access control, the restricted SBG having an access control to selected users (paragraph 9: WiFi with WEP; paragraph 18: give a

user a list of available WiFi networks, broadcast SSID for user to log on, should the network require authentication or an encryption key).

- f. Regarding claim 6, Vasisht disclosed the method of claim 5 wherein creating one of the open SBG and the restricted SBG comprises: selecting at least an administrator to manage access to the restricted SBG and control changes to the SBG network configuration (paragraph 18: give a user a list of available WiFi networks, broadcast SSID for user to log on, should the network require authentication or an encryption key).
- g. Claims 14-19 are of the same scope as claims 1-6. These are rejected for the same reasons as for claims 1-6.
- h. Claims 27-30 are of the same scope as claims 1 and 4-6. These are rejected for the same reasons as for claims 1 and 4-6.

Vasisht disclosed all limitations of claims 1-6, 14-19 and 27-30. Claims 1-6, 14-19 and 27-30 are rejected under 35 U.S.C. 102(e).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7, 12-13, 20 and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vasisht and further in view of Krantz et al. (US 7284062 B2), hereinafter referred as Krantz, and Feeney et al. (Communications Magazine, IEEE, June 2001, p. 176-181 or p. 1-12 per applicant's disclosed NPL), hereinafter referred as Feeney.

- a. Vasisht has shown claims 1 and 5-6 as above. Vasisht does not show (claim 7) selecting an advertising node according to a criteria within the SBG; collecting information on the SBG; periodically joining the WKG to broadcast the SBG information and to collect information on the WKG or a nearby SBG; and returning to the SBG to advertise the information collected on the WKG to SBG members. However Vasisht shows (paragraph 18) giving a user a list of available WiFi networks, broadcast SSID for user to log on, should the network require authentication or an encryption key; and (paragraph 14) using WEP to limit access and communication with WEP among wireless devices.

- b. Feeney has shown for claim 7 that (abstract) an ad hoc network network must provide administrative services including address allocation, name resolution, service location, authentication and access control policies without a pre-established or centralized network management (page 8, section with heading “Network partition and merge”) joining group in an analogous art for the purpose of providing an ad hoc networking based application.
- c. Krantz has shown for claim 7 that (column 12, lines 22-38) a data routing device can be a device capable of grouping computer systems together in a single broadcast domain based on criteria other than physical location in an analogous art for the purpose of automatic provisioning computer system for accessing a network.
- d. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Vasisht’s functions of using WEP/802.11 in configuring a user network with limit access with Feeney’s functions of establishing ad hoc network without pre-established or central network management and Krantz’s functions of using a data routing device to group computer systems.
- e. The modification would have been obvious because one of ordinary skill in the art would have been motivated to further apply functions of configuring wireless network with access control as per Vasisht as applied to Feenway’s spontaneous networking (section 2 on pages 3-4 and section 5 on page 8-10) with administration functions (abstract) where a data routing device is used to group computer systems in a broadcast domain (Fig. 2).

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- f. Claims 12-13, 20 and 25-26 are of the same scope as claims 1 and 5-7. These are rejected for the same reasons as for claims 1 and 5-7.

Together Vasisht, Krantz and Feeney disclosed all limitations of claims 7, 12-13, 20 and 25-26. Claims 7, 12-13, 20 and 25-26 are rejected under 35 U.S.C. 103(a).

- 7. Claims 8-11 and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vasisht and further in view of Feeney.

- a. Vasisht has shown claims 1 and 5-6 as above. Vasisht does not show (claim 8) further comprising: joining the WKG according to user configuration.

However Vasisht shows (paragraph 18) giving a user a list of available WiFi networks, broadcast SSID for user to log on, should the network require authentication or an encryption key; and (paragraph 14) using WEP to limit access and communication with WEP among wireless devices.

- b. Feeney has shown for claim 8 that (page 8, section with heading "Network partition and merge") joining group in an analogous art for the purpose of providing an ad hoc networking based application.

- c. It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Vasisht's functions of using WEP/802.11 in configuring a user network with limit access with Feeney's functions of establishing ad hoc network without pre-established or central network management.

- d. The modification would have been obvious because one of ordinary skill in the art would have been motivated to further apply functions of configuring wireless network with access control as per Vasisht as applied to Feeney's

spontaneous networking (section 2 on pages 3-4 and section 5 on page 8-10) with administration functions.

- e. Regarding to claims 9-11, Feeney has further shown (page 8, section with heading “Network partition and merge”) partitioning the network as a project team is divided two group and later merging the network as the project rejoins.
- f. Claims 21-24 with respect to claim 14 are of the same scope as claims 8-11 with respect to claim 1. These are rejected for the same reasons as for claims 8-11.

Together Vasisht and Feeney disclosed all limitations of claims 8-11 and 21-24.

Claims 8-11 and 21-24 are rejected under 35 U.S.C. 103(a).

Response to Arguments

8. Applicant's arguments filed on 07/21/2009 have been fully considered, but they are not persuasive.

- a. Applicant has argued (5th paragraph on page 11 of current amendment) that Vasisht does not disclose, either expressly or inherently, at least one of: (1) creating a session-based ad-hoc group (SBG) within a well-known ad-hoc group (WKG) for impromptu interactions among unrelated mobile users, the WKG having a WKG network configuration and a set of WKG interaction protocols, the SBG having SBG network configuration and a set of SBG interaction protocols; and (2) advertising information pertaining to the SBG on the WKG, as recited in independent claims 1 and 14, and (3) a well-known ad-hoc group (WKG) creator to create a WKG for impromptu interactions among unrelated mobile users, the WKG having a WKG network configuration and a set of WKG interaction protocols; and (4) a session-based ad-hoc group (SBG) creator to create a SBG within the WKG to allow a user to interact with other mobile users, the SBG having SBG network configuration and a set of SBG interaction protocols, the SBG advertising information pertaining to the SBG on the WKG, as recited in amended independent claim 27.
- b. Applicant argued that Vasisht does not disclose the limitation of "creating a session-based ad-hoc group (SBG) within a well-known ad-hoc group (WKG) for impromptu interactions among unrelated mobile users" (1st paragraph on page 12 of current amendment). Examiner has reviewed paragraph 15 of

applicant's specification in using well-know WiFi ad-hoc network for unrelated nearby nodes to communicate with each other. Examiner does not see a difference between using WiFi access point to facilitate the communication between two mobile users or using WiFi ad-hoc network, i.e. peer-to-peer (see paragraph 83 per Vasisht) in term of interactions among unrelated mobile users. As both applicant and Vasisht are using WiFi for setting up communication among mobile users, Vasisht's disclosure reads upon the argued limitation.

- c. Applicant has argued that applicant SBG is created for specific purpose (2nd paragraph on page 12 through 1st paragraph on page 13 of current amendment). However, it is not clear if the pertaining limitation, e.g. advertising information per claim 1, is different in scope from what is disclosed per paragraph 18 of Vasisht, i.e. broadcast SSID for user to log on. As one skill in art would know that SSID could be used to designate the identity of access point provider, e.g. Panera or Starbuck.
- d. Applicant has further argued that SSID is not an access method for joining the restricted SBG (2nd paragraph on page 13 of current amendment). It is clear that both applicant and Vasisht are using WiFi to provide access to mobile user. Here Vasisht's disclosure of using WEP is to provide a mobile user an access to a encrypted WiFi access for either home network or peer-to-peer network (paragraph 83), i.e. applicant's restricted SBG (see paragraph 28 of applicant's specification).

- e. Applicant has further argued that the advertising node collect information on the SBG such as the SSID, the membership, the interaction protocol, and the login procedure as per paragraph 40 of applicant's specification (3rd and 4th paragraphs on page 14 of current amendment). Vasisht's disclosure in paragraph 18: Zero Configuration Utility for WiFi, broadcast SSID for user to log on, should the network require authentication or an encryption key; in paragraph 14: WEP is used for WiFi connection; and in paragraph 13: using 802.11 protocol suite that reads upon the claimed limitation of "advertising information pertaining to the SBG on the WKG, the information including an access method for joining the restricted SBG".
- f. Applicant argued on the response to argument with respect to paragraph 23 of applicant's specification (5th paragraph on page 14 through 3rd paragraph on page 15 of current amendment). As per discussion in item 'd' above, the restricted SBG per applicant is using WEP of WiFi. The membership discussion is per applicant's specification and not reflect in the claimed invention.
- g. Applicant argued (see 2nd paragraph on page 18 through 2nd paragraph on page 20 of current amendment) on the motivation of combining Vasisht, Krantz and Feeney in the claim 7, 12-13, 20 and 25-26 rejections under 35 U.S.C. 103(a). Examiner has reviewed Vasisht, Krantz and Feeney with respect to the limitations of claimed invention not disclosed in Vasisht, i.e. the limitations of claims 7-13, 20 and 25-26. Examiner has reviewed the limitations of 7-13, 20 and 25-26 as in light of applicant's specification. It seems that each of

Vasisht, Krantz and Feeney seems to teach and suggest the claimed invention significantly. All three of Vasisht, Krantz and Feeney have taught grouping based upon WiFi or similar technologies, e.g. Bluetooth, VPN, Home Phone Networking. Applicant's concept of workgroup and ad-hoc work group and their administration is well taught in Feeney. Feeney has described in section 5 the enabling technologies as developed within IETF Zero Configuration Networking that is also shown in Vasisht's paragraphs 18 and 110. Krantz is brought in to address the limitation of "selecting an advertising node according to a criteria within the SBG" in claim 7. Examiner has further reviewed the usage of "criteria" within applicant's original specification and claim set and found it seems to be taught in paragraph 39. Examiner has re-reviewed Vasisht and found "criteria" is also taught in paragraph 79 implicitly. The reference cited from Krantz is used to show "criteria" more explicitly. The limitation on "criteria" seems to be known to one skill in the art. Considering all these circumstance evidence, it seems that each of Vasisht, Krantz and Feeney would read upon the claimed invention significantly and thus the motivation of presenting Vasisht, Krantz and Feeney together in showing applicant's claimed invention seems to be obvious.

Remarks

9. The following pertaining arts are discovered and not used in this office action.

Office reserves the right to use these arts in later actions.

- a. Narayanaswami et al. (US 7185204 B2) Method and system for privacy in public networks
- b. Cam Winget (US 7275157 B2) Facilitating 802.11 roaming by pre-establishing session keys
- c. Grobler et al. (US 20050048997 A1) Wireless connectivity module
- d. Redlich et al. (US 20050114490 A1) Distributed virtual network access system and method
- e. Manchester et al. (US 20050198221 A1) Configuring an ad hoc wireless network using a portable media device

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Refer to the enclosed PTO-892 for details.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peling A. Shaw whose telephone number is (571) 272-7968. The examiner can normally be reached on M-F 8:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William C. Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Peling A Shaw/
Examiner, Art Unit 2444